

1-1 By: Alonzo (Senate Sponsor - Rodriguez) H.B. No. 570
1-2 (In the Senate - Received from the House April 22, 2013;
1-3 April 24, 2013, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2013, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Whitmire	X			
1-9	Huffman	X			
1-10	Carona	X			
1-11	Hinojosa	X			
1-12	Patrick	X			
1-13	Rodriguez	X			
1-14	Schwertner	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to issuance of a magistrate's order for emergency
1-18 protection.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Articles 17.292(d) and (j), Code of Criminal
1-21 Procedure, are amended to read as follows:

1-22 (d) The victim of the offense need not be present [~~in court~~]
1-23 when the order for emergency protection is issued.

1-24 (j) An order for emergency protection issued under this
1-25 article is effective on issuance, and the defendant shall be served
1-26 a copy of the order by the magistrate or the magistrate's designee
1-27 in person or electronically. The magistrate shall make a separate
1-28 record of the service in written or electronic format [~~open court~~].

1-29 An order for emergency protection issued under Subsection (a) or
1-30 (b)(1) of this article remains in effect up to the 61st day but not
1-31 less than 31 days after the date of issuance. An order for
1-32 emergency protection issued under Subsection (b)(2) of this article
1-33 remains in effect up to the 91st day but not less than 61 days after
1-34 the date of issuance. After notice to each affected party and a
1-35 hearing, the issuing court may modify all or part of an order issued
1-36 under this article if the court finds that:

1-37 (1) the order as originally issued is unworkable;

1-38 (2) the modification will not place the victim of the
1-39 offense at greater risk than did the original order; and

1-40 (3) the modification will not in any way endanger a
1-41 person protected under the order.

1-42 SECTION 2. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2013.

1-47 * * * * *